

## E. OHV

The Forest Service is responsible for identifying an appropriate mix of recreational opportunities for NFS land and the settings needed to provide quality recreational opportunities. The Forest Service is required to plan off-road vehicle use to protect land and other resources, promote public safety, and minimize conflicts with other uses. (FSH 1909.12 Sec.219.21 (g)).

### Key Points

- OHV access to the Forest continues to be primarily on roads. The only designated ATV trail is the 21 miles of the Soo Line Trail.
- Funding is necessary to successfully manage OHV use. ATV trail construction and maintenance funding is a need to implement the designated trail on the Blackduck Ranger District and/or other trails and connections. Funding is also necessary to successfully obliterate unauthorized user created OHV trails. Due to funding limitations the Forest is not responding to requests for new trails.
- Law enforcement must continue in regards to illegal cross country use and the mis-use of designated roads.
- Public information remains crucial to successfully managing OHV use within the Forest.

### Monitoring Question

To what extent is the Forest providing OHV opportunities, what are the effects of OHVs on the physical and social environment; and how effective are forest management practices in managing OHV use?

### Background

The following monitoring information will be used to implement the Forest Plan (2004) and the National Travel Management Rule (2006). Travel Management Rule expectations are described below.

#### *Travel Management Rule:*

The Travel Management Final Rule (2006) provides expectations for OHV travel access management on the National Forests. The intent of the Rule is to provide regulation of OHVs as a result of the tremendous increases in the number and power of OHVs; widespread environmental and social impacts from unmanaged recreation; while recognizing that motorized recreation is a legitimate use of National Forest system lands in the right places.

#### *2007 CNF Off-Highway Vehicle Road Travel Access Decision:*

The OHV Decision resulted in OHV access rules and policy summarized for Operational Maintenance Level roads as follows:

- There is no motorized cross-country travel.
- OML 1 roads are closed to all motorized travel.
- OML 2 roads may be designated for OHV travel and/or highway licensed vehicle travel.

- OML 3 and 4 roads may be designated for OHV travel in conjunction with existing highway licensed vehicle travel.
- OML 5 roads are closed to all OHV travel.

Additional Forest Service system road and OHV access information:

Some roads are currently closed to OHVs and/or highway licensed vehicle use for a variety of reasons. Reasons for closures include Forest Service policy, natural resource concerns and social issues described as follows:

- **OML 1 Forest Service System Roads:** OML 1 roads, the lowest standard of developed roads, are considered by policy (FSH 7709.58) to be closed to all vehicle traffic. These roads are not maintained for any vehicle use.
- **Right of Way:** Some FS system roads cross private lands. On some of these roads FS jurisdiction may not be fully verified.
- **Previously Designated Closures:** Prior decisions involving past management projects that the Forest has done may have closed and/or decommissioned roads.
- **Resource Protection:** Resource protection includes recognition of wetlands; sensitive resource conditions; or soil erosion conditions. Some roads have been closed that could accommodate OHV use given resource conditions. Many of these roads would require significant realignment, re-routing, reconstruction, ditching, and other major improvements to meet guidelines established for road maintenance and user safety or to protect other resources.
- **Forest Plan Management Area or Recreational Facility Protection:** Some roads have been closed as part of Forest Plan direction or have regulatory issues within or directly adjacent to semi-primitive non-motorized management areas, research natural areas, and unique areas as identified within the Forest Plan, hunter walking trails and the North Country National Scenic Trail.
- **Threatened, Endangered, Sensitive Species:** Habitat of a variety of threatened, endangered, or sensitive species has been inventoried and roads that affect this habitat have been designated as closed in accordance with the species recommendation in the Forest Plan.
- Roads that travel through sensitive soil types on the Forest will be closed to motorized vehicles over 1,000 pounds to protect natural resources and the road infrastructure.
- Roads that travel through threatened, endangered, or sensitive species habitat areas requiring limited access will be closed during times specified within the Forest Plan to that species.
- All roads will be closed to OHV use from March 15 to May 1 to improve enforceability and provide protection of the road bed.
- Road number identification signs will correlate with identification numbers on the Motor Vehicle Use map.

The following table indicates baseline conditions as identified in the 2007 OHV Environmental Assessment for the Chippewa National Forest. The table displays the miles of road open and

closed to OHV use by road operational maintenance level.

**Table 6-7.** 2007 Baseline: Miles of Forest Service System Roads Open or Closed to OHV Use.

<b>Forest Service OML Road</b>	<b>Road Miles Open to OHV Use</b>	<b>Road Miles Closed to OHV Use</b>
OML 1	0	377
OML 2	1,214*	477
OML 3	107	76
OML 4	165	81
OML 5	0	27
Total	1,486	1,038

\* 110 miles of roads are closed seasonally for threatened, endangered or sensitive species habitat protection.

## Results

The 2004 Forest Plan identified the following indicators to be used in measuring the OHV resources. The indicators will be monitored over time to measure change from the baseline conditions set in 2007 with the OHV Environmental Assessment.

- New Motorized Trails for Summer Use
- System Roads Open for OHV Use
- OHV and Snowmobile Cross-Country Travel Opportunities
- Consistency Among Public Land Agencies

The following table displays the indicators over time.

**Table 6-8.** OHV Indicators 2007 – 2010.

<b>Indicator</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
New Motorized Trails for Summer Use (Miles)	0.0	0.0	0.0	0.0
System Roads Open for OHV Use (Miles)	1,486	1,356	1,351	1,360
OHV and Snowmobile Cross-Country Travel Opportunities	Prohibited	Prohibited	Prohibited	Prohibited
Consistency Among Public Land Agencies	No	No	No	No

There have been no new motorized trails designated for summer use, and cross-country travel remains prohibited. Decisions made by District Ranger's based on environmental assessments, and minor editorial correction to the Wheeled Motor Vehicle Use Map, are the main drivers for change in the quantity of roads open to OHV use. Finally, the State of Minnesota, Beltrami, Cass and Itasca Counties have differing policies regarding OHV use. For the purposes of monitoring, there is not consistency between the county, state and federal governments for OHV use. For a complete discussion on OHV policy, please referred to the 2007 OHV Environmental Assessment

Implementation of the goals and objectives of the Forest Plan for the OHV resource is on-going and will continue over time. Key elements of this progression include; public contact, law enforcement, road management, and the development of the Motor Vehicle Use Map.

### **Monitoring through Public Contacts**

Informing the public about OHV policy and more specifically which system roads designated as open will remain the focal point of OHV education. Users continue to call and walk-in at forest offices to inquire about which roads are open for OHV travel. The majority of these contacts occur throughout the summer but peak during the hunting season. To augment the higher level of interest, district staff has been and will continue to make hunter contacts during the hunting season. Having information at forest offices, on the web, and knowledgeable staff is critical to educating the OHV public.

### **Monitoring through Law Enforcement**

There are two law enforcement officers and 21 forest protection officers on the Forest. Enforcement of forest orders and other appropriate 36 CFR regulations occurs as needed on the Forest. For many years, including 2011, there has also been a Cooperative Law Enforcement agreement with Cass and Itasca Counties that provides for a county deputy to work a certain number of days per year that are concentrated on National Forest land.

Law enforcement personal, (including Forest Service, State, Counties, Local and Tribal officers), monitor and respond to activities and behavior on the National Forest and adjoining lands.

Offenses are combined for reporting purposes into categories and reported in the Eastern Region-Northwest Zone Law Enforcement Annual Report. OHV offenses may be included in 1) occupancy and use offenses and 2) travel management restrictions on and off road.

Following is a table indicating criminal OHV offenses by year as recorded in the Law Enforcement Annual Report (LEIMARS records).

**Table 6-9.** Summary of Law Enforcement Reports Related to OHVs 2007 – 2009.

<b>Incident</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>OHV</b>	94	105	127	221

\*Unable to attain the 2010 Law Enforcement Reports related to OHV incidents.

The trend from 2007 to 2009 has reflected an increase in the number of reported OHV incidents. Fluctuations in incidents can be accounted for a change in directed priorities of the law enforcement officers and a change in the numbers of forest protection officers. Qualitative information from Forest Service employees reflects no decrease in the illegal use of OHVs on the Forest over the past years.

The Law Enforcement Agenda and Action Plan FY2009 discusses continuing to assist Forest managers with the implementation of the travel management decision through public education, review and revision of Forest Supervisor's orders, design and placement of road closures and postings. The Patrol Captain will coordinate with the Forest to ensure OHV rules are incorporated

into widely dispersed documents such as the many different hunting regulation booklets. The Law Enforcement Officers will also assist Districts with the inventory and monitoring of unauthorized roads and trails.

The focus of law enforcement regarding the use of OHVs on the Forest during 2010 has shifted from an education phase to an enforcement mode. Issuing violation notices occurs for individuals that are not legally riding their OHV.

### **Forest Service System Roads and OHV Use**

In 2010 there were 1,360 miles of Forest Service System Roads that were available to OHV riding. Over the past two years the Forest has installed signs on designated OHV roads that include a forest road number, OHV placard, and mileage of the road. These signs correspond to the MVUM and aid the rider in knowing where they can legally ride. Periodic sign maintenance is needed to replace vandalized signs, or make modifications base on changes to the road system in environmental assessments and annual MVUM updates.

Road closures and decommissioning will continue to be implemented based on decisions supported by environmental assessments. Road closures can include gates, rock, and berms (earth and debris). These closure devises can be effective. However, if there is a designation associated with the closure, for example, a desirable fishing lake, these closures are ineffective. OHVs simply travel through the brush and around the closure. Road decommissioning is more effective than closures, as culverts and other road improvements are removed, and typically the first “seen” portion of the road is obliterated or scarified. This action greatly improves the success of deterring illegal use.

### **Motor Vehicle Use Map**

The CNF Motor Vehicle Use Map (MVUM) identifies those roads and trails designated for motor vehicle use, including OHVs. The MVUM is the legal reference for roads open for OHV use on the Forest. The first edition of the MVUM was distributed in 2008 with a new edition each year that reflects access changes.

The intent of the Transportation Rule and the Off-Highway Travel Access Decision is that the system of roads available for OHV use will be monitored each year and adjustments made as appropriate. Public comments combined with staff review of the existing OHV and other motor vehicle use opportunities have resulted in proposals to change motor vehicle access on some roads. These proposals will be reviewed in 2010 for potential changes to OHV access on Forest system roads and included in the 2011 edition of the MUVUM.

### **Implications**

Data indicates that there continue to be extensive OHV riding opportunities on the 1,360 miles of road on the Forest. Each year road inventory continues to become more refined, indicating actual road conditions, road closures for resource mitigating measures, unauthorized roads, decommissioned and roads intended for decommissioning.

Illegal cross-country use continues to be a significant resource problem that seems to be growing. This use is often associated with illegal permanent hunting stands, recreation riding (getting from

point A to B). Forest staff will continue to identify illegal cross-country use and use of closed or decommissioned areas as resources become available to perform the work.

There have been individuals and ATV clubs that have indicated interest in the construction of new OHV trails within the Forest. People have also indicated interest in providing more road access opportunities to make connections with other road systems and communities. At this time the Forest is not responding to requests for new trails due to budget limitations.

There have continued to be people also advocating for limiting or eliminating OHV riding opportunities on the Forest.

Blackduck has identified approximately 1.5 miles of OHV designated trail through NEPA analysis and decision. Resources will have to be allocated to construction and maintenance of this new ATV trail.

### **New Issues**

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### **Recommendations**

- Management of the OHV resource on the Chippewa National Forest will continue to be a focus area for managers to successfully move toward the desired future conditions in the Forest Plan. Five emphasis areas should be incorporated into work planning for future implementation:
  1. Educate users on the Chippewa National Forest OHV rules and regulations.
  2. Annually update the MVUM to accurately reflect resource conditions.
  3. Increase law enforcement efforts to take action on illegal OHV use.
  4. Continue to evaluate the forest transportation system through project level environmental assessments, and implement these decisions (road closures / decommissioning).
  5. Actively obliterate unauthorized user created OHV trails.
  6. Plan and construct designated OHV trails and/or connections.
- Blackduck has identified approximately 1.5 miles of OHV designated trail through NEPA analysis and decision. Resources will have to be allocated to construction and maintenance of this new ATV trail.

More detailed information is part of the project file and is available upon request.